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EXAMINER

GORTAYO, DANGELINO N

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,235	Applicant(s) YONEYAMA, KAZUTO	
	Examiner DANGELINO N. GORTAYO	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/6/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the amendment filed on 10/21/2008, claims 6, 7, 11, 12, 14-20, and 23 have been cancelled. Claims 24-26 have been added. The currently pending claims considered below are Claims 24-26.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, filed 8/6/2008, is attached to the instant Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 24-26 are rejected under 35 U.S.C. 102(e) as being unpatentable over Tanaka et al (US Publication 2005/0203992 A1)

As per claim 24, Tanaka teaches “A device for reproducing a content recorded on a recording medium, the device comprising:” (see Abstract)

“a recording medium control module configured to reproduce the content from the recording medium;” (Figure 2 reference 4, paragraphs 0097, 0099, 0100, 0106, wherein a terminal reproduces content from package media such as a CD)

“a network control module coupled with the recording control module, the network control module configured to download content;” (Figure 1 reference 49, paragraphs 0033, 0097, 0098, 0107, wherein a terminal contains communications modules to communicate with various databases)

“a playback control module coupled with the recording medium control module and the network control module, the playback control module configured to output the content reproduced by the recording medium control module and/or the content downloaded by the network control module;” (paragraphs 0030, 0097, 0102, 0105, wherein output members output data from content from a CD or downloaded content)

“and a system control module coupled with the recording medium control module and the network control module, the system control module configured to control the operations of the recording medium control module and the network control module;” (Figure 2 reference 48, paragraphs 0025, 0026, 0097, 0133, wherein a cpu utilizes a database management unit to control operations of the terminal)

“wherein the content recorded on the recording medium includes one or more of the following: audiovisual content, identification information for identifying the audiovisual content, universal resource locator (URL) information for indicating a location of a server from which related content which relates to the audiovisual content is downloaded, and data for use in downloading the related content, wherein the device

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automatically requests the data and the data facilitates establishing a connection between the server and the device;" (paragraphs 0109, 0111, 0186, 0197, 0217, 0219, 0240, 0318, wherein a CD identifier is read once a CD is inserted, containing information such as URL location and server information)

"and wherein the system control module is further configured to instruct the network control module to connect with the server using the URL information and the content reproduced by the recording medium control module, to send the content identification information reproduced by the recording medium control module to the server, and to download the related content from the server using the data to execute a command to connect the device to the server, if the user indicates to the device to download the related content." (Figure 12, paragraphs 0257, 0258, 0260, 0286, 0287, 0288, 0290, 0309, 0316, 0317, 0318, wherein the terminal connects to a CD Title Information Server and a Content ID Server to download additional content)

As per claim 25, Tanaka teaches "A method for reproducing a content recorded on a recording medium, the method comprising:" (see Abstract)

"reproducing audiovisual content, identification information for identifying the audiovisual content, universal resource locator (URL) information for indicating a location of a server from which related content which is related to the audiovisual content is downloaded, and data for use in downloading the related content, wherein the device automatically requests the data and the data facilitates establishing a connection between the server and the device;" (paragraphs 0109, 0111, 0186, 0197, 0217, 0219,

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0240, 0318, wherein a CD identifier is read once a CD is inserted, containing information such as URL location and server information)

“connecting with the server indicated by the URL information by using the data reproduced from the recording medium;” (Figure 12, paragraphs 0257, 0258, 0260, 0286, 0287, 0288, 0290, 0309, 0316, 0317, 0318, wherein the terminal connects to a CD Title Information Server and a Content ID Server to download additional content)

sending the content identification information reproduced from the recording medium to the server; (Figure 12 reference S1, paragraphs 0033, 0097, 0098, 0107, 0286, 0287, 0318, wherein a terminal contains communications modules to transmit CD identifier to a CD title information server)

downloading the related content from the server using the data to execute a command to connect the device to the server, if the user indicates to the device to download the related content; (Figure 13 reference S22, paragraphs 0033, 0097, 0098, 0292, 0293, 0316, 0317, 0318, wherein additional information is transmitted to the terminal)

and outputting, to a display device, the audiovisual content which is reproduced from the recording medium and/or the related content which is downloaded from the server. (paragraphs 0030, 0097, 01020105, wherein output members output data from content from a CD or downloaded content)

As per claim 26, Tanaka teaches “An apparatus” (see Abstract)

“comprising: a processor;” (Figure 2 reference 48, paragraphs 0025, 0026, 0097, 0133, wherein a cpu utilizes a database management unit to control operations of the terminal)

“and a recording medium coupled with the processing device, wherein the processor is configured to store information on the recording medium,” (Figure 2 reference 4, paragraphs 0097, 0099, 0100, 0106, wherein a terminal reproduces content from package media such as a CD)

“wherein the information includes: audiovisual content; identification information for identifying the audiovisual content; universal resource locator (URL) information indicating a location of a server from which a related content which is related to the audiovisual content is downloaded; and data using for downloading the related content, wherein the device automatically requests the data and the data facilitates establishing a connection between the server and the device;” (paragraphs 0109, 0111, 0186, 0197, 0217, 0219, 0240, 0318, wherein a CD identifier is read once a CD is inserted, containing information such as URL location and server information)

“and wherein the data is used for connecting with the server indicated by the URL information, and sending the content identification information to the server, and downloading the related content from the server using the data to execute a command to connect the device to the server, if the user indicates to the device to download the related content.” (Figure 12, paragraphs 0257, 0258, 0260, 0286, 0287, 0288, 0290, 0309, 0316, 0317, 0318, wherein the terminal connects to a CD Title Information Server and a Content ID Server to download additional content)

Response to Arguments

5. Applicant's arguments with respect to claims 24-26 have been considered but are moot in view of the new ground(s) of rejection. The amendments to the claims necessitated new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rothschild (US Publication 2007/0168463 A1)

Millard et al. (US Publication 2004/0236588 A1)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dangelino N Gortayo/
Examiner, Art Unit 2168

/Tim T. Vo/
Supervisory Patent Examiner, Art
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Dangelino N. Gortayo
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